



Kewaunee County

Disability and Self-Identification Accommodation Policy

Any qualified employee with a disability may request a reasonable accommodation to assist them to perform the essential functions of the job. The County will attempt to accommodate a reasonable request that is not unduly costly, extensive, substantial or disruptive, or does not fundamentally alter the nature or operation of the county.

The employee is the primary person consulted with determining accommodations. Both the employee and supervisor/department head should work together to arrive at an accommodation that best meets the needs of both the employee and management. A supervisor may not deny an accommodation request without County Administrator, Equal Opportunity Program Specialist concurrence and consultation.

If an employee acquires a disability and the County is unable to make a reasonable accommodation, which will allow the individual to continue in the current position, management will explore the possibilities for placement in other positions within the department. The movement of another position by transfer, demotion or change to part-time employment must be made in accordance with applicable collective bargaining agreements. While no real responsibility exists for alternative placement outside the department, the County will counsel employees regarding their rights to, and eligibility for, other positions in Kewaunee County employment.

Definitions: A **"qualified individual with a disability"** is defined as a person who satisfies the requisite skill, experience, education and other job-related requirements of the job held or desired; can perform the essential functions of the job with or without reasonable accommodation and either:

- has a physical or mental impairment which substantially limits one or more of the individual's major life activities (i.e., caring for one's self, performing manual tasks, eating, walking, seeing, hearing, speaking, breathing, learning or working.);
- has a record of such impairment or
- is perceived or regarded as having such an impairment

"Reasonable accommodation" is the effort made to make adjustments for a disability by restructuring the job or the work environment in a manner that will enable the qualified person with a disability to perform the essential functions of the job. Reasonable accommodations include, but are not limited to, making facilities accessible, adjusting work schedules, restructuring jobs, providing assisting devices or equipment, and modifying work sites.

Confidentiality. All information about an employee's medical condition is confidential, with the following exceptions:

- supervisors/department heads may be informed about necessary restrictions on work or duties;
- first aid and safety personnel may be informed, when appropriate, if the disability might require alternative actions in emergency situations; and
- government officials investigating compliance with non-discrimination laws should be provided relevant information upon request.

Self-Identification of Disability. An employee has the opportunity to voluntarily self identify, with full confidentiality, as a person with a disability at any time while employed with Kewaunee County. This is to insure that Kewaunee County has the necessary information to develop and implement its affirmative action and equal opportunity program for individuals with disabilities.

Opportunities to self-identify are also offered during a new employee's orientation, our annual self-identification survey and whenever the employee needs a reasonable accommodation.

Verifying the Disability: The County may ask an employee to provide verification of a disability from an appropriate medical or rehabilitation professional so that a supervisor/department head can consider and provide the accommodation for the disability. Medical verification is not necessary when the disability is obvious and permanent, or if a previous accommodation was satisfactory for all individuals involved. In this case, the employee serves as the primary resource to consult for providing the accommodation.

The employee must bear the initial cost of verification, usually covered by health insurance. The County bears the cost if it needs a second opinion regarding the feasibility and reasonableness of the requested accommodation.

Procedures:

Approval Process for Accommodation Request

- An employee must request a reasonable accommodation in writing using the Disability Accommodation Request Form. On the form the employee should describe the general nature of the disability, and more specifically, how it limits the performance of the essential functions of the job, as well as what accommodations are needed to enhance the ability to do the job.
- After completion of the form, the employee should submit it to his or her supervisor/department head for consideration. The supervisor/department head has 20 workdays to approve or modify the request using the form, unless extended by mutual agreement between the employee and the supervisor/department head. The Equal Opportunity Program Specialist has the delegated authority to approve or modify a request for accommodation.
- If the accommodation request is complex in nature and presents circumstances that cannot be resolved at the supervisor, management level, the division should contact the Equal Opportunity Program Specialist for technical assistance. The Equal Opportunity Program Specialist will also coordinate with a team to collaborate with the department to find resources and solutions that meet the

needs of the requester and the department.

- If a request involves modification or addition to a facility, the supervisor/department head will refer the request to the Equal Opportunity Program Specialist. The Equal Opportunity Program Specialist will coordinate with the Maintenance/Facilities Manager to identify options, costs, and other facility related issues. The final decision for the accommodation is a collaborative activity that includes the requester, the supervisor/department head, the Maintenance/Facilities Manager and the Equal Opportunity Program Specialist.
- The Supervisor/Department Head may deny an accommodation request and submit the request to the Equal Opportunity Program Specialist for a review together with the reasons for the denial. The Equal Opportunity Program Specialist will review the denial and may concur, modify or disagree with the decision after consulting with the Supervisor/Department Head.

Record Keeping

Once a decision is made, a copy of the completed form should be given to the employee and the original sent to the Equal Opportunity Program Specialist. This copy is kept in the employee's confidential medical file.

Budget and Purchasing

- Each department should budget for possible accommodation requests, particularly equipment that uses adaptive and assistive technology. As a general rule, equipment for accommodation is purchased because it is necessary to the transaction of official business for the Department.
- The equipment may not be of a personal nature (e.g., glasses, hearing aids, etc.) which the employee can reasonably be expected to provide.

ADA Appeal

An employee has the right to appeal a decision in two ways. Both ways may be concurrent:

- Internal review. An employee may disagree with a denial or modification of an accommodation request and file a complaint to the Equal Opportunity Program Specialist within 30 calendar days of receipt of the denial. The appeal must be in writing, stating the reason for the disagreement. The Equal Opportunity Program Specialist will evaluate the complaint and discuss the case with legal counsel, the Department Head. The County Administrator/Equal Opportunity Program Specialist will make the final decision regarding the complaint within 20 working days after the complaint is filed.
- Formal Appeal. An employee has the right to file an external formal appeal in three ways. He or she may 1) file a claim directly with the DWD Equal Rights Division within 300 days, 2) file a complaint with the Equal employment Opportunity Commission, within 300 days of receipt of the decision, or 3) bring a civil action in state or federal court.



Kewaunee County

Disability and Self-Identification Accommodation Survey

Kewaunee County has the responsibility to periodically provide its employees with the opportunity to self-identify as an individual with a disability or a severe disability, as well as to request for reasonable accommodation in the workplace.

An individual is considered to have a "disability" if the individual has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or regarded as having such impairment.

All information collected is confidential. However, if you have a disability, including severe disability, and need an accommodation, you may have to disclose the functional limitations of your disability to your supervisor or Equal Opportunity Office so that the Department can provide you with reasonable accommodations that will assist you in performing your job.

Please read the whole survey and respond to the sections that apply to you. Please RETURN the completed survey ONLY if you have a disability to:

Your Department Supervisor or
Edward J. Dörner, Equal Opportunity Program Specialist

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"Reasonable accommodation" is the effort made to make adjustments for a disability by restructuring the job or the work environment in a manner that will enable the qualified person with a disability to perform the essential functions of the job. Reasonable accommodations include, but are not limited to, making facilities accessible, adjusting work schedules, work at home, restructuring jobs, providing assisting devices or equipment, providing readers or interpreters, and modifying work sites.

Confidentiality. All information about an employee's medical condition is confidential, with the following exceptions:

- supervisors and managers may be informed about necessary restrictions on work or duties;
- first aid and safety personnel may be informed, when appropriate, if the disability might require alternative actions in emergency situations; and
- government officials investigating compliance with non-discrimination laws should be provided relevant information upon request.

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| | | | |
|----|--|-----|----|
| 1. | DISABILITY STATUS | YES | NO |
| | | | |
| a. | Are you a person with a disability? | | |
| | | | |
| b. | Are you a person with a severe disability? | | |
| | | | |

If you answered "YES" to either a or b in question #1 above, please complete the following:

| | | | |
|---------------|---|-----|----|
| Name: | | | |
| Work Address: | | | |
| Supervisor: | | | |
| 2. | DISABILITY ACCOMMODATION IN THE WORKPLACE | YES | NO |
| | | | |
| a. | Do you have a disability accommodation that is in place? | | |
| | | | |
| b. | Do you have a disability accommodation that needs a change? | | |
| | | | |
| c. | You do NOT have a disability accommodation, but need one? | | |

Discuss the accommodation you need with your supervisor or Equal Opportunity Program Specialist. Complete the Disability Accommodation Form attached to the survey after you and your supervisor have agreed on the accommodation needed. Medical information will be treated confidentially.